THE PENSIONS ACT, 1871 (XXIII OF 1871).

G. N., R. D., No. 4247, dated 22nd July 1881 (B. G., Pt. I, p. 397). **Ss. 5 & 6**

Under the provisions of sections 5 and 6 of the Pensions Act, 1871, His Excellency the Right Honourable the Governor in Council is pleased to authorize the Deputy and Assistant Collectors of Salt Revenue in-charge of Ranges to hear and dispose of claims and grant certificates empowering a Civil Court to take cognizance of claims relating to grants of money payable on the part of Government in the Salt and Continental Customs Revenue Department, and under the provisions of section 84 of the Bombay Hereditary Offices Act, 1874, His Excellency the Right Honourable the Governor in Council is pleased to confer on the Collector of Salt Revenue all such of the powers and duties of a Revenue Commissioner and on the aforesaid officers all such of the powers and duties of a Collector under that Act as are necessary for the lawful control of and are applicable to hereditary offices connected with the said Department.

G. N., R. D., No. 10525, dated 29th August 1917 (B. G., Pt. I, p. 2021). **Ss. 5, 8 & 14**

Amended by G. N., R. D., No. 8847/24, dated 4th Jan. 1934.
Amended by G. N., R. D., No. 1000/33, dated 26th Jan. 1934.
Amended by G. N., R. D., No. 8417/33, dated 24th Jan. 1939.
Commr., C. D.'s Notn. No. L.N.D. 1/108-II, dated 10th Oct. 1939.
Chief Revenue Authorities' Notn. No. C.A.L. 51, dated 16th Dec. 1940.

In exercise of the powers conferred by sections 5, 8 and 14 of the Pensions Act, 1871 (XXIII of 1871), and in supersession of the rules published in their Notification No. 6849, dated the 23rd December 1879, as subsequently amended, the Commissioners, Northern Division, Central Division and Southern Division, as the Chief Revenue Authorities in their divisions, have with the approval of Government framed the following rules, namely :—

CASES IN WHICH THE FOLLOWING RULES DO NOT APPLY.

Disposal of claims concerning service pensions.

1. Claims relating to pensions or gratuities granted on account of service performed in any department of the administration, whether civil, military, naval or otherwise, shall be inquired into and disposed of in such manner as may be directed in the Civil Service Regulations or in any rules or orders for the time being in force applicable to such pensions respectively.

Disposal of claims relating to service watan allowances.

2. Claims relating to any cash payment forming part of the property of a *watan* in respect of which no service commutation settlement has been effected, shall be inquired into and disposed of in accordance with the provisions of the Bombay Hereditary Offices Act and the rules and orders from time to time in force thereunder. In the event of any such claim being preferred to which none of the said provisions shall appear to be applicable, the orders of Government should be obtained through the proper channel previous to the disposal thereof.

3. Nothing in the rest of these rules applies to any pension, gratuity or cash payment to which rule 1 or rule 2 applies.

Cases under rules 1 and 2 excluded.

POWERS AND PROCEDURE OF OFFICERS.

4. (1) The Collector of Bombay shall exercise the powers of a Collector for the purposes of these rules in respect of pensions or grants payable in Bombay.

Powers of Collector and Commissioner by what officers to be exercised.

(2) The Commissioner, Central Division, shall be regarded as the Commissioner for the Bombay Treasury.

5. Subject to the provisions of rule 6, claims under section 5 of the Pensions Act, 1871, herein referred to as the "Act", shall be disposed of by the Collector in the following cases without reference to the higher authority :—

Collector's power of disposal of claims under section 5 of the Act.

(*a*) cases where the pensions are transferable property,

(*b*) cases where the pensions form part of *watan* property and the dispute is between one watandar and another : Provided that in the case of claims to arrears of a share of an allowance of the kind referred to in clause (*a*) or clause (*b*), the Collector shall ordinarily issue a certificate under section 6 of the Act authorising the Civil Court to try the same.

6. Except in the cases provided for in sub-rule (2) of rule 9, no claim by which the liability of Government to pay any pension or grant is affected directly or indirectly shall be disposed of by a Collector without first obtaining the sanction of the Commissioner of the Division to the order which he proposes to pass.

Previous sanction of Commissioner when necessary.

7. (1) No certificate under section 6 of the Act shall be granted in the case of—

Grant of certificates under section 6 of the Act.

(*a*) saranjams, (*b*) chouth saranjams, (*c*) impartible political pensions.

(2) In the case of a political pension which is partible among the members of the original grantee's family, the Collector may—

(*a*) refuse a certificate with the previous sanction of the Commissioner, or

(*b*) grant a certificate with the previous sanction of Government.

8. (1) Any claim preferred to a Collector under section 5 of the Act may be referred by him for inquiry and report to any Assistant or Deputy Collector or any other officer subordinate to him, and every Assistant or Deputy Collector in charge of a taluka may receive claims on behalf of the Collector and forward the same, with his opinion after inquiry, to the Collector.

Reference of claims to subordinate officers for inquiry.

(2) No order disposing of any matter referred to an Assistant or Deputy Collector or other subordinate officer as aforesaid shall be passed by such officer on his own authority.

9. (1) Claims relating to pensions o grants shall be disposed of in accordance with—

Manner of disposal of claims.

(*a*) the law, if any, for the time being in force applicable to such claims ;

(*b*) the terms and conditions of the sanad or other document, if any, under which such pensions or grants are enjoyed;

(*c*) the rules or orders of Government for the time being in force if applicable to such claims.

(2) But if any claim is brought, the subject matter of which has been already inquired into and disposed of by competent authority, the Collector shall merely record the fact of such previous decision and dispose of the claim accordingly.

MANNER OF PAYMENT AND ARREARS.

Payments generally to be annual.

10. All payments of pensions or grants are usually to be made in one lump sum for the year commencing on the 1st May and ending on the 30th April, but applications for their payment by monthly or quarterly instalments may be considered and disposed of by the Collector.

Payment generally in full.

11. Pensions and grants, for the payment of which application is duly made at the proper time, will be paid in full, except in cases where payment is suspended pending the orders of a Civil Court or pending inquiries by Government or by any officer of Government.

Payment of arrears.

12. (1) Where, owing to failure to apply or other neglect on the part of a claimant, payment falls into arrear, the pension or grant will be paid as follows :—

For the current year, in full.
First and second year's arrears, in full.
Third year's arrears, subject to a deduction of 10 per cent.
Fourth year's arrears, subject to a deduction of 15 per cent.
Fifth year's arrears, subject to a deduction of 20 per cent.

(2) No deduction shall be made under this rule from arrears of payments due—

(*a*) on account of village devasthan allowances not exceeding Rs. 5 per annum in amount, or

(*b*) under compensation bonds.

(3) In this rule " current year " means the year within which payment is properly due under rule 19.

Payment of arrears due to deceased persons.

13. Subject to the provisions of rule 11, sub-divisional officers may authorise the payment of arrears due to a deceased person after such investigation as shall satisfy them—

(*a*) of the actual date of such person's death, and

(*b*) that the applicant is entitled as such person's legal heir, or otherwise, to receive payment.

Pension or grant not drawn for a certain period to lapse.

14. The Mamlatdar shall strike off any pension or grant for payment of which no application is duly made for more than six years, or, in the case of a Hardas Gosàvi's allowance, two years; and all arrears shall thereupon be forfeited.

Re-admission.

15. Where a pension or grant which has been struck off under rule 14 was held under a permanent or hereditary title, the Collector may sanction re-admission of the same, without payment of arrears, if a claim thereto is duly preferred under section 5 of the Act within 12 years from the date of the last payment.

Date of applications for arrears to be noted.

16. The date on which application for payment was made must be noted by the disbursing officer on all bills for arrears.

Place of payment.

17. Pensions or grants will be paid at the following places namely :—

(*a*) if payable on behalf of a religious institution—at the treasury of the district or at the sub-treasury of the taluka or mahal in which such institution is situated ;

(*b*) if payable on behalf of a religious institution in foreign territory—at the nearest Government treasury ;

(*c*) if the pension or grant is personal—at the treasury most convenient to the recipient.

Transfer of payment.

18. Orders for transfer of payment under rule 17 will be made by the Collector if the transfer sought is from one treasury to another within the same district ; by the Commissioner, if the transfer sought is from a treasury in one district to a treasury in another district within the same division ; and by Government in any other case.

Time of payment.

19. (1) All pensions and grants shall be deemed to be due on the 1st May next after the completion of the year in respect of which they are payable, but shall ordinarily be payable only in the months respectively fixed, or hereafter to be fixed, by or under the orders of Government for payment of pensions and grants of the various descriptions.

(2) When payment in monthly or quarterly instalments has been directed by the Collector under rule 10, payments will be made in accordance with such direction.

Persons to whom payment will be made.

Persons to whom payment is to be made.

20. Pensions and grants will be paid only to those persons whose names have been authorizedly entered in the records as the payees thereof, or to their duly empowered attorneys or mukhtyàrs, or, if they are minors, to their administrators.

Life-certificates.

21. (1) Except as is otherwise provided in rule 31, payments will be made to an attorney, mukhtyàr or administrator only if he satisfies the disbursing officer by the production of a certificate, signed by a Magistrate or some other well-known person of respectability, that the payee was living on the last day of the year or other period for which the pension or grant is due.

(2) Life-certificates signed by a Talati, Kulkarni, Tappedar, Shanbhog, Village Accountant or Police Inspector may be accepted.

Payee in case of alienable pensions or grants.

22. (1) In the case of pensions or grants which Government recognize as alienable, the name of the lawful holder for the time being shall, subject to the provisions of rules 23 to 26, be entered in the records as payee.

(2) But if any such pension or grant is continuable by Government only so long as the original grantee and certain of his descendants shall be in existence, and the payee has obtained a transfer of the same by sale, gift, mortgage, or the like, such payee must produce at the time of each payment a certificate from the Mamlatdar or Mahalkari of the taluka or mahal in which the original grantee or his descendants

reside, or, if their residence be in foreign territory, of some *British Officer* resident in the said territory, that such grantee or his said descendants (who should invariably be named) on whose behalf payment is claimed was or were alive on the last day of the year or other period for which such payment is due.

Applications for mutation to be disposed of by Collector.

23. Applications for mutation of the payee's name in the records shall be received and disposed of by the Collector.

Procedure for mutation.

24. (1) In the case of a transfer of any pension or grant which Government recognize as alienable, mutation of the payee's name may be made on obtaining the consent in writing of the existing payee without further inquiry.

(2) In the case of the death of a payee, the Collector may require the production by the applicant of a certificate of heirship and of such other evidence as he deems fit.

(3) Whenever there is any dispute between parties, and whenever the Collector doubts whether the pension or grant is any longer continuable, the application shall be regarded by him as a claim under section 5 of the Act, and shall be dealt with accordingly.

(4) Any mutation of names rendered necessary by the decision of any claim under section 5 of the Act including applications of the nature specified in sub-rule (3) may be made by the Collector without further investigation.

Deceased military pensioners.

25. (1) The disbursing officer shall pay arrears of pension due to the estate of a deceased Indian military pensioner, to any person whose name may have been registered in his office by the deceased pensioner as the person entitled to such payment. Pensioners should be encouraged to make such registration during their life-time.

(2) If no such registration has been made, the disbursing officer shall pay the arrears (which shall be limited to three months' arrears, except when proof is given of the exact date of the death of the pensioner) to any person who shall produce a certificate from the Collector of the district in which the deceased pensioner resided, declaring such person to be entitled to such payment.

(3) The Collector will grant such a certificate to such person as shall upon inquiry, appear to him to be best entitled to receive payment, either as sole heir, or as a principal representative of all the heirs. For example, if the pensioner has left a widow and sons, the certificate will be given to the eldest son, if of full age, or to the widow as guardian of the sons, if the sons are minors.

Only one person ordinarily to be entered as payee.

26. (1) As a rule the name of one person only shall be entered as payee of each separate entire pension or grant; but where there is a sub-share of the amount of Rs. 10 or more in any pension or grant, it may, subject to the conditions prescribed in rule 27, be separately entered, notwithstanding that it is not separately recognised.

(2) In the case of two or more joint transferees of a pension or grant which Government recognize as alienable, such transferees must elect whose name shall be so entered, and in the event of their failing to do within such period as shall be fixed by the Collector, the Collector shall enter the name of such one of them as he deems fit.

(3) In the case of joint heirs, the Collector shall determine who is the eldest male representative of the senior surviving branch of the original grantee's, or of the transferee's family, or, in the absence of male heirs who is the senior heiress, and shall enter his or her name as payee:

Provided that, at the request of the person thus entitled to be entered as payee, the name of any other member of the family may be substituted by the Collector for that of the said person during such person's life-time.

Joint payees and separate recognition of sharers.

27. (1) If any pension or grant has been hitherto entered in the records in the joint names of two or more persons or if any division of a pension or grant has been recognised and the shares entered separately in the names of the respective co-sharers such entries may hereafter be continued.

(2) A sub-share of the amount of Rs. 10 or more in a pension or grant may be recognised and the name of the sub-sharer entered separately if—

(*a*) the sub-sharer has at any time obtained a decree for payment of his share from a civil court;

(*b*) the existence of the sub-share is known to Government and separate payment in respect thereof was made in the past; or

(*c*) the sub-sharer secures the consent of all the other sharers to his claim to the sub-share.

(3) A fee of one anna in the rupee of the share of the pension or grant to be divided or of rupee one, whichever is greater, shall be charged, once in each case, before a sub-division is recognised.

(4) The amount of payment on account of a sub-share in a pension or grant recognised under sub-rule (2) shall be fixed permanently. Any reduction in a pension or grant resulting from its division into sub-shares shall continue even if the sub-shares are amalgamated subsequently.

Payments to joint payees when their joint receipt is not obtainable.

28. Whenever, in consequence of disagreements amongst joint payees or for any other reason, their joint receipt shall not be obtainable for any payment already due, the Collector may authorize such payment to be made to any one or more of such joint payees who may be willing to pass a receipt.

Payees responsible for proper distribution of pension or grant to sharers.

29. The persons recorded as the payees of pensions or grants, and the persons to whom any payment may be made under rule 28, are not necessarily entitled to appropriate the whole of such pensions, grants or payment to themselves, but are responsible for distributing the same to all co-sharers or sub-sharers in the proportions to which they are respectively entitled.

IDENTIFICATION OF PAYEES.

Preparation of descriptive rolls.

30. (1) Except as is otherwise provided in rule 31, a descriptive roll in the form of Appendix A shall be kept by the disbursing officer of every payee entitled to receive payment of a pension or grant from him. A copy of such roll under the disbursing officer's signature shall be furnished to the payee for production by him at the time of each payment, which shall be noted therein in the manner shown in the form.

(2) The person applying for payments shall be identified by comparison with the particulars given in the descriptive roll, and the disbursing officer should take every precaution against fraudulent personation. When the payee can write, his signature should, at the time of payment, be compared with that in the descriptive roll in the disbursing officer's possession.

Descriptive rolls and life-certificates may be dispensed with in certain cases.

13. (1) Descriptive rolls and life-certificates may be dispensed with in the case of Indians of rank and *pardah-nishin* ladies ; but the disbursing officer will not on that account be exempt from the general responsibility which necessarily attaches to all payments.

(2) Descriptive rolls are not necessary in the case of pensions, or grants on account of Indian religious or charitable institutions which are paid to *panchas* or committees or to village patels, nor in the case of payees of allowances which have been declared to be continuable hereditarily.

Signature book.

32. (1) The disbursing officer shall, if the payee be able to write, obtain his signature in a book specially kept for the purpose, when he first presents himself to receive payment, and shall compare this signature with that in the receipt book at the time of each subsequent payment.

(2) A fresh signature book shall be prepared every ten years.

(3) Where the payee is illiterate his left thumb-impression shall be substituted for his signature and this rule shall be read accordingly.

Identification of persons not known.

33. (1) In every case in which the payee is not personally known to the disbursing officer, he shall be required to bring with him, when he comes to receive payment, a witness known to the disbursing officer to prove his identity.

(2) The witness shall, in token of his identifying the payee, affix his signature or mark below that of the payee in the receipt book.

(3) When the payee is personally known to the disbursing officer, no such witness shall be necessary, and the disbursing officer shall himself put his initials below the signature or mark of the payee in token of his identity.

Death of payees.

Report of death of payee.

34. (1) It shall be the duty of the village officer to send to the Mamlatdar of the taluka early intimation of the death in his village of any recipient of a cash allowance or grant from Government.

(2) The Mamlatdar shall, on receipt of the intimation, note the fact in the *petakhatavahi* (taluka form No. XIII), and in case the deceased held any allowance from any other treasury or treasuries, communicate the fact to such treasury or treasuries.

Records and Accounts.

Printed lists to be kept of sanctioned pensions and grants.

35. (1) The Commissioner shall cause to be prepared, under his signature, lists in English and in the vernacular of all pensions and grants in each district in his division and furnish printed copies thereof to the Mamlatdars, the Collectors, their Assistants and Deputies, the Accountant General and Government.

(2) Where such lists have already been prepared under the signature of the Alienation Settlement Officer, new lists need not be prepared.

(3) The Commissioner, Central Division, shall also prepare similar lists of all pensions and grants payable in Bombay.

36. (1) A monthly statement of all proposed alterations in, or additions to, the lists referred to in rule 35, in consequence of decisions or orders passed during the preceding month affecting the same, shall be submitted by each Collector (on such date as may be fixed for their submission in communication with the Accountant General) to the Commissioner, Central Division.

Monthly correction statements to be submitted to the Commissioner, Central Division

(2) The Commissioner, Central Division, shall cause such statements to be promptly scrutinized in his office, and, after countersigning the same, shall cause duplicates thereof to be sent to the Accountant General with the orders of the Commissioner duly recorded thereon, and shall also direct that the lists in his own office and in the various offices in the districts concerned shall be corrected accordingly. The Accountant General shall also correct his lists in accordance with the duplicate copy of the statement so countersigned and forwarded to him.

(3) No pension or grant shall be entered in, or struck out from the accounts or the said lists, except with the previous sanction of the Commissioner.

37. Disbursing officers shall on the first of May of each year, or as soon after as possible prepare ledgers (*petakhatavahis*) in accordance with the taluka form No. XIII and will keep books in the taluka form No. XIV, and will be held responsible for the correctness of the entries in these ledgers and books and for their being properly filled in from time to time.

Accounts to be kept by disbursing officers.

Sanads.

38. (1) Sanads in the name of the President or the Governor of Bombay as the case may be will be executed by the Collectors in favour of the payee or payees for the time being of every pension or grant in respect of which the issue of such sanads has been, or may hereafter be, sanctioned by Government.

Issue of sanads to payees of pensions and grants.

(2) Such sanads will be issued once for all, and sanads already issued by Alienation Settlement Officers, or by Collectors, or by any other officers, authorized by Government in this behalf, shall be deemed to have been issued under this rule.

(3) The terms and conditions to be inserted in these sanads will be such as Government may from time to time authorize, or as may already have been so authorized.

39. (1) Registers of the sanads referred to in rule 38 will be kept by each Collector, and a general register by each Commissioner.

Registers of sanads to be kept.

(2) The said registers shall be open to public inspection during office hours, and extracts from the same shall be obtainable, subject to the same rules and to the payment of the same fees as apply in the case of registers of the documents mentioned in section 90, sub-section (*1*), clause (*d*), of the Indian Registration Act, 1908.

Miscellaneous.

40. A certificate for reference to the Civil Court under section 6 of the Act, granted to a person claiming a right of succession to, or participation in, any pension or grant or any other right relating to any pension or grant, by a Collector under rule 5, shall be in the form of Appendix B.

Certificate of reference to Civil Court under section 6 of the Act.

41. (1) The examination and passing of the monthly cash alienation lists shall be performed in the alienation branch of the office of the Commissioner, Central Division.

Cash alienation lists to be passed in alienation office.

(2) All Collectors shall send their monthly cash alienation alteration statements to that office for approval and admission or orders. They will then be forwarded to the Accountant General.

APPENDIX A.

(*See* Rule 30.)

FORM OF DESCRIPTIVE ROLL.

Running Number.	Number in the Alienation list or Peta Khata Wahi.	Name.	Caste or Sect.	Residence.	Personal identification.	Height.	Age at the date of preparing the Roll.
1	2	3	4	5	6	7	8

Monthly, Quarterly, Half-yearly or yearly amount.	How long continuable.	Signature of the party whose Descriptive Roll is prepared.	Signature of witnesses of identification.	Signature of the officer before whom the Descriptive Roll is taken.	Date of preparing the Roll.	Remarks.
9	10	11	12	13	14	15

Payment.

When paid.	For what period.	Amount	To whom paid.	Signature of the disbursing officer.	When paid.	For what period.	Amount.
1	2	3	4	5	6	7	8

To whom paid.	Signature of the disbursing Officer.	When paid.	For what period.	Amount.	To whom paid.	Signature of the disbursing officer.
9	10	11	12	13	14	15

APPENDIX B.

(*See* Rule 40.)

FORM OF CERTIFICATE.

Whereas A. B. of is desirous of preferring a claim against C. D. of to establish his right to

(*here state clearly the nature of the claim*) ;

This is to certify that I, E. F., Collector of , do hereby authorise, under section 6 of the Pensions Act, 1871, the trial of the said claim by any Civil Court competent to try the same.

Seal of the Collector.

(Signed) E. F.,
Collector.

Dated at this day of 19